

### **REMARKS/ARGUMENTS**

Claims 1-66 were pending in this application. Claims 49 and 64-66 have been cancelled without forgoing applicants' right to pursue the subject matter claimed in the claims and new claims 67-76 have been added. Reconsideration of the outstanding rejections is respectfully requested in view of the following remarks.

#### ***Claim objection***

The Patent Office objected to claim 49. Applicants submit that the cancellation of claim 49 obviates the objection.

#### ***Claim rejections under 35 USC 112***

The Patent Office rejected claim 66 as being indefinite. Applicants submit that the cancellation of claim 66 obviates the rejection.

#### ***Claim rejections under 35 USC 102***

The Patent Office rejected claims 1-5, 14, 18-20, 24, 25, 49 and 66 as being anticipated by Bloom et al. (US 5597312).

Bloom does teach degrading a certain evaluation point (credit) based on shown hints, providing correct responses, or watching correct responses (Bloom, col. 9, ll. 33-36), and gradual removal of supports until students are on their own (Bloom, col. 14, ll. 10-12). Bloom, however, does not teach that a student's progression through a curriculum is determined by the level of support necessary for the student to attain success at a given level of the curriculum rather than how many correct answers the student gives (compare with step (c) of amended claim 1 of the instant application).

Rather, Bloom teaches evaluating a student with a combination of the average correct score, the number of consecutive correct or incorrect responses, and the number of times the student watched the model answer (Bloom, col. 23, ll. 46-67; col. 12, ll. 26-30). Although Bloom mentions degrading the credit based on shown hints (Bloom, col. 9, ll. 33-36), it does not teach how that degradation fits in the evaluation of a student with the above-mentioned combination. At most, it seems that showing hints may lower the credit and require a higher average correct score or number of consecutive correct responses to pass a certain level. Bloom does not, however, teach that the necessary level of showing hints for a student to score a required number of correct answers at a given level of a curriculum drives the progression through the curriculum (compare with step (c) of amended claim 1, and see also new claims 68-76 of the instant application).

Although Bloom teaches fading of supports (i.e., gradual removal of supports until students are on their own, Bloom, col. 14, ll. 10-25), it does not teach how it gradually removes supports. At the very least, Bloom does not teach determining a level of support necessary for a student to achieve success at a given level of a curriculum (compare with step (c) of amended claim 1 of the instant application).

Therefore, applicants submit that claim 1 as amended and claims 2-5, 14, 18-20, 24 and 25, which depend therefrom, overcome the rejection and respectfully request withdrawal thereof.

The Patent Office rejected claim 64 as being anticipated by Cook et al. (US 5727950). Applicants submit that the cancellation of claim 64 obviates this rejection.

***Claim rejections under 35 USC 103***

The Patent Office rejected claims 6 and 7 as being obvious over Bloom. As explained in connection with the rejection of claims 1-5, 14, 18-20, 24 and 25, Bloom does not teach or suggest that a student's progression through a curriculum is determined by the level of support necessary for the student to attain success at a given level of the curriculum rather than how many correct answers the student gives, and, at the very least, Bloom does not teach or suggest determining a level of support necessary for a student to achieve success at a given level of a curriculum. The Patent Office did not give any motivation for one skilled in the art to modify Bloom to make up the above-mentioned differences. Therefore, Bloom does not render claim 1 and claims 6 and 7, which depend from claim 1, obvious, and withdrawal of the rejection is respectfully requested.

The Patent Office rejected claims 8-13, 15-17, 21-23, 56 and 57 as being obvious over Bloom in view of Wasowicz et al. (US 6435877). As explained in connection with the rejection of claims 6 and 7, Bloom does not render claim 1 obvious and therefore, Bloom does not render claims 8-13, 15-17 and 21-23, which depend from claim 1 unless Wasowicz cures the defects in Bloom. The Patent Office did not point out anything in Wasowicz to cure the defects and applicants submit that

Wasowicz does not disclose anything to cure the defects in Bloom. Therefore, applicants submit that the rejection of claims 8-13, 15-17, 21-23 are overcome and respectfully request withdrawal thereof.

Claims 56 and 57 depend from an independent claim, claim 54. Although the Patent Office indicated claims 54 and 55 were rejected in the Office Action Summary sheet, the Office Action itself does not contain any discussion of claims 54 and 55. Applicants, however, believe that amended claim 54 with the recitation of "solely based on the support presented to the student in order for the student to achieve a pre-defined level of performance in the learning task and/or skill level" is patentable over Bloom under 35 U.S.C. §§102 and 103, and submit that claims 54-57 are patentable over prior art for the reasons set forth in connection with the rejections of other claims over Bloom or Bloom in combination with Wasowicz. Therefore, the withdrawal of the rejection of claims 56 and 57 over Bloom in view of Wasowicz is respectfully requested.

The Patent Office rejected claim 65 as being obvious over Cook in view of Wasowicz. Applicants submit that the cancellation of claim 65 obviates the rejection and respectfully request withdrawal thereof.

***New claims***

Claims 67-76 have been added. The new independent claim 73 is generic; therefore, applicants submit that claim 73 conforms to the last Restriction Requirement. Claims 67-72 depend from claim 1; therefore, they are patentable as claim 1 is

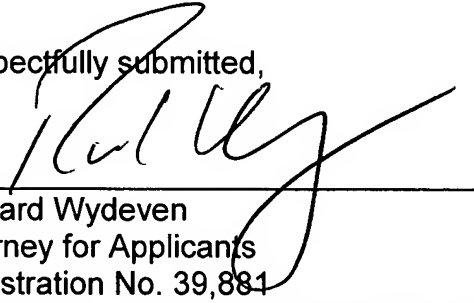
patentable over prior art, and alternatively, neither of Bloom and Wasowicz teaches or suggests the elements recited in claims 67-72.

Independent claim 73 is patentable over the prior art because neither of Bloom and Wasowicz teaches or suggests the steps of “determining a first standard level of support necessary for the student to achieve a pre-defined level of performance for the first learning task or the first skill level based on the support presented to the student in order for the student to achieve the pre-defined level of performance for the first learning task or the first skill level”; and “determining a new standard level of support based on whether or not the student is achieving the pre-defined level of performance for the first learning task, the second learning task, or the first skill level with the lower level of support.” Claims 74-76 are also patentable because they depend from claim 73, and alternatively, neither of Bloom and Wasowicz teaches or suggests the elements recited in claims 74-76.

In light of the foregoing, applicants submit that all outstanding rejections have been overcome, new claims are patentable over prior art and the application is now in condition for allowance. The Commissioner is hereby authorized to charge any fee or credit any overpayment pursuant to 37 C.F.R. §§1.16 or 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

By



Richard Wydeven  
Attorney for Applicants  
Registration No. 39,884  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
1425 K Street, N.W. Suite 800  
Washington, D.C. 20005  
Telephone: (202)783-6040  
Facsimile: (202) 783-6031

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